

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRACY COLE and TALEAVIA COLE,

Plaintiffs,

Case No. 23-CV-1321

v.

CITY OF WAUWATOSA, et al.,

Defendants.

BRIEFING ORDER ON RULE 12(C) MOTION

Currently pending before me are two cases, *Cole, et al. v. City of Wauwatosa, et al.*, Case No. 23-cv-1321 and *Rivera et al. v. City of Wauwatosa et al.*, 23-cv-1330, that are related to a closed case, *Aaron et al. v. Ratkowski et al.*, 20-cv-1660, that is currently on appeal before the Seventh Circuit. Plaintiffs in both cases have filed expedited motions to stay the current proceedings during the pendency of the appellate proceedings in *Aaron*. Defendants oppose the stay motions and separately move for sanctions in both cases on the grounds that the present lawsuits are barred by the doctrines of issue preclusion and claim-splitting.

After holding a Rule 16 Scheduling Conference with the parties in *Rivera*, I determined that the motion to stay is intertwined with the preclusion issues and ordered the parties to brief the preclusion issue. Specifically, Defendants will file a Fed. R. Civ. P. 12(c) motion on the preclusion issue by no later than March 22, 2024. The parties will follow the briefing schedule as provided in this district's local rules. I will take up the sanctions motion after this issue has been addressed.

Given the same issues are present in the *Cole* action, I will enter the same briefing schedule. Defendants will file a Fed. R. Civ. P. 12(c) motion on the preclusion issue by no

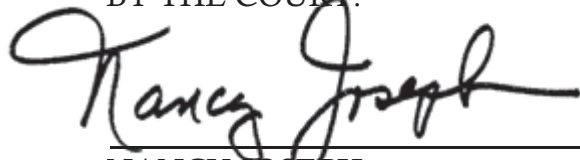
later than **March 22, 2024**. Again, the parties will follow the briefing schedule as stated in the local rules and I will take up the sanctions motion after the preclusion issue is addressed.

Thus, the Rule 16 set for April 1, 2024 is **REMOVED** from the calendar and the deadlines for the Rule 26 discovery plan are vacated.

IT IS SO ORDERED.

Dated at Milwaukee, Wisconsin this 23rd day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Nancy Joseph", written over a horizontal line.

NANCY JOSEPH

United States Magistrate Judge